

City Council

Meeting Minutes

**February 21, 2017
City Hall, Council Chambers
749 Main Street**

**6:00 PM
EXECUTIVE SESSION**

Call to Order – Mayor Muckle called the meeting to order at 6:00 p.m.

Roll Call was taken and the following members were present:

City Council: ***Mayor Robert Muckle***
 Mayor Pro Tem Jeff Lipton
 Councilmember Jay Keany
 Councilmember Chris Leh
 Councilmember Susan Loo
 Councilmember Dennis Maloney
 Councilmember Ashley Stolzmann

Staff Present: ***Malcolm Fleming, City Manager***
 Heather Balser, Deputy City Manager
 Rob Zuccaro, Director of Planning and Building Safety
 Aaron DeJong, Director of Economic Development
 Joe Stevens, Director of Parks & Recreation
 Meredyth Muth, City Clerk
 Sam Light, City Attorney

EXECUTIVE SESSION

REAL PROPERTY ACQUISITION AND DISPOSITION

(Louisville Charter, Section 5-2(c) – Authorized Topics – Consideration of real property acquisitions and dispositions, only as to appraisals and other value estimates and strategy, and C.R.S. 24-6-402(4)(a))

PENDING LITIGATION

(Louisville Charter, Section 5-2(d) – Authorized Topics – Consultation with an attorney representing the City with respect to pending litigation, and C.R.S. 24-6-402(4)(b))

City of Louisville

City Council 749 Main Street Louisville CO 80027
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Mayor Muckle stated the City Manager is requesting the City Council convene an Executive Session for the purpose of consideration of potential property acquisition and disposition in Louisville and for the purpose of consultation with an attorney representing the City with respect to pending litigation.

City Attorney Light introduced the request for executive session.

City Clerk Muth read Section 2.90.050 – Public statement of the Louisville Municipal Code, which outlines the topics permitted for discussion in an executive session.

City Attorney Light stated the authority to conduct this executive session: Louisville Code of Ethics, Section 5-2(c), CRS 24-6-402(4)(a) and Louisville Charter, Section 5-2(d), C.R.S. 24-6-402(4)(b) – Authorized topics.

MOTION: Mayor Muckle moved the City Council adjourn to executive session for the purpose of consideration of real property acquisitions and dispositions, with regard to properties in the Louisville Area, but only as to appraisals and other value estimates and strategy; and the executive session include the City Council, City Manager Fleming, Deputy City Manager Balser, Planning Director Zuccaro, Economic Development Director DeJong, Parks & Recreation Director Stevens, Finance Director Watson, and the City Attorney seconded by Councilmember Stolzmann.

MOTION: Mayor Muckle moved the City Council adjourn to executive session for consultation with an attorney representing the City with respect to pending litigation as authorized by the laws noted by the City Attorney and the executive session include the City Council, City Manager Fleming, Deputy City Manager Heather Balser, Planning Director Zuccaro, Economic Development Director DeJong, Parks & Recreation Director Stevens, Finance Director Watson, and the City Attorney seconded by Councilmember Leh.

The motions both passed by a vote of 7-0.

The City Council adjourned to executive session at 6:05 p.m.

The City Council meeting reconvened at 6:55 p.m.

CITY ATTORNEY REPORT ON THE EXECUTIVE SESSION

City Attorney Light reported on the executive session, the City Council discussed potential property acquisition and disposition and pending litigation. Members discussed strategy and gave staff direction on potential property acquisition and disposition but members will be going back into executive session to continue discussion following the regular items.

7:00 PM

REGULAR MEETING

Roll call was taken and the following members were present:

City Council: *Mayor Robert Muckle*
 Mayor Pro Tem Jeff Lipton
 Councilmember Jay Keany
 Councilmember Chris Leh
 Councilmember Susan Loo
 Councilmember Dennis Maloney
 Councilmember Ashley Stolzmann

Staff Present: *Malcolm Fleming, City Manager*
 Heather Balser, Deputy City Manager
 Kevin Watson, Finance Director
 Aaron DeJong, Director of Economic Development
 Kurt Kowar, Director of Public Works
 Rob Zuccaro, Director of Planning & Building Safety
 Kristin Dean, Principal Planner
 Emily Kropf, Assistant to the City Manager
 Kathleen Hix, Director of Human Resources
 Meredyth Muth, City Clerk

Others Present: *Sam Light, City Attorney*

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance lead by students from Coal Creek Elementary School.

APPROVAL OF AGENDA

Mayor Muckle moved to approve the agenda with the change of adding a continuation of the executive session at the end of the regular agenda, seconded by Councilmember Keany. All in favor

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Michael Menaker, 1827 West Choke Cherry Drive, stated his concern about Air BnB rentals in Louisville. These rentals do not have business licenses and do not pay taxes. The impacts on residential neighborhoods are problematic; it affects the neighbors and reduces the use of local hotels and these rentals compete with apartment rentals. He asked the Council to send owners letters telling them the rules. He asked Council to address this and require these rentals to pay taxes.

Scott Simkus, 941 West Maple Court, stated he represents SEEDS (Social Equity Economic Development for Sustainability), a nonprofit trying to save the historic Hecla Casino building from demolition. He would like to partner with the City to save the building. SEEDS would need the City to direct staff to work on a partnership including moving the building to 1528 Main Street, help fund the purchase of 1528 Main Street and the City contribute up to \$500,000 towards this project.

RJ Harrington, 457 East Raintree Court, stated his continued concern of adding sustainability options into the new recreation center expansion. He has met with the Sustainability Advisory Board and they are supportive of this.

Brent Lewis, 299 West Elm Street, stated he is the pastor of Calvary Boulder Valley Church. He wanted to introduce the church to Louisville. They have been in town for four years now and want to provide their volunteer services to the community.

APPROVAL OF THE CONSENT AGENDA

MOTION: Mayor Muckle moved to approve the consent agenda, seconded by Councilmember Keany. All were in favor.

- A. *Approval of Bills***
- B. *Approval of City Council June and July Meeting Schedule***
- C. *Approve Cancellation of March 28 Study Session***
- D. *Approval of Appointment of Michael Ulm to the Historic Preservation Commission***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Councilmember Keany noted members of the Youth Advisory Board in attendance and thanked them for coming.

CITY MANAGER'S REPORT

City Manager Fleming gave an update on the Recreation Center Expansion. The design firm is underway with the site plan. The project will be going through the City's normal planning process. The RFP/RFQ for the construction manager/general contractor was released and there was a great deal of interest in the project; proposals are due March 1. He noted the bonds will be coming to the Council for consideration March 7.

City Manager Fleming stated the sales tax revenue for 2016 was up 6% from 2015, which was 2% over projections; the lodging tax met the projections, and exceeded one-half million dollars for the first time. However, the residential assessment adjustment that is required by the State constitution may reduce residential property values for 2017

which might affect the General Fund, Debt Service Fund, and possibly the Rec Center bonds.

He noted the Downtown parking two-hour limit is being enforced and everyone should know where the all-day parking is. The paving of South Street east of the railroad tracks is now underway.

REGULAR BUSINESS

LIFE IN LOUISVILLE PHOTO CONTEST AWARDS

Emily Kropf, Assistant to the City Manager, stated the City received 156 photographs submitted by 24 people for the 9th annual Life in Louisville photography contest. The photos chronicle events and daily life from September 8, 2015 through December 31, 2016, and will be added to the City's archives to serve as a cultural reference for future generations. In each of the winning photographs, the jury found something that is unique to Louisville and represents the history, community, and sense of place that makes Louisville a great place to live. Councilmember Keany presented certificates to the winners of each category.

NORTH END MARKET – GENERAL DEVELOPMENT PLAN AMENDMENT AND FINAL PLAT AND PLANNED UNIT DEVELOPMENT – *continued from 1/3/17, 1/17/17, & 2/7/17*

ORDINANCE NO. 1730, SERIES 2016, AN ORDINANCE APPROVING AN AMENDMENT TO THE NORTH END GENERAL DEVELOPMENT PLAN (GDP) TO TRANSFER 17 RESIDENTIAL UNITS FROM PLANNING AREA 4 TO PLANNING AREA 1 AND REDUCE THE COMMERCIAL SPACE TO 40,000 SQUARE FEET IN PLANNING AREA 1 – 2nd READING –PUBLIC HEARING (advertised *Daily Camera* 12/25/16)

RESOLUTION NO. 78, SERIES 2016 – A RESOLUTION APPROVING A FINAL PLAT AND FINAL PLANNED UNIT DEVELOPMENT (PUD) TO CONSTRUCT A MULTI-USE DEVELOPMENT CONSISTING OF 38 DWELLING UNITS AND 40,000 SQUARE FEET OF COMMERCIAL SPACE; BLOCK 11, NORTH END PHASE TWO

City Attorney Light introduced the ordinance and stated it had been continued from the February 7 meeting and this is a second reading and public hearing; he also introduced the resolution. Mayor Muckle reopened the public hearing.

Planner Dean stated at the February 7 hearing, the applicant committed to starting the commercial construction in each phase of development prior to starting the construction for the residential structures in each phase. The applicant also committed to moving the

Markel Homes headquarters to Louisville and specifically to Commercial Building 6 in the proposed development. To ensure compliance with these commitments, the applicant, staff and the City Attorney all agreed on the following conditions:

1. Prior to the recordation of the PUD, the PUD plans shall be revised to include the following notes to the Phasing Plan:
 - a. In Phase I, no residential building permits shall be issued until completion and final inspection approval of a foundation for Building 6.
 - b. In Phase II, no residential building permits shall be issued until completion and final inspection approval of a foundation for Building 5.
 - c. In Phase III, no residential building permits shall be issued until completion and final inspection approval of a foundation for Building 4.
 - d. A residential building permit in Phase II shall not be issued until after a Certificate of Occupancy has been issued for Building 6.
2. The subdivision agreement shall also include language which reflects these phasing requirements.

Staff recommends City Council approve Ordinance No. 1730, Series 2016, on second reading and approve Resolution 78, Series 2016, approving the proposed GDP amendment and final PUD for the North End Market with the conditions listed above.

Michael Markel, 5723 Arapahoe Avenue, Boulder, stated he accepts the conditions as presented by staff.

Mayor Muckle asked for public comments. None were heard.

Mayor Muckle closed the public hearing.

Councilmember Maloney moved to approve Ordinance No. 1730, Series 2016, Councilmember Loo seconded.

Councilmember Stolzmann stated she supports the motion as she feels with the conditions, this is consistent with the criteria and there is no increase in the residential units.

Roll Call Vote: Motion passed (**summary:** Yes = 5, No = 1, Abstain = 1).

Yes: Mayor Muckle, Council Member Stolzmann, Council Member Loo, Council Member Leh, Council Member Maloney.

No: Mayor Pro Tem Lipton.

Abstain: Council Member Keany.

Councilmember Keany stated he abstained as he was not at the February 7 meeting and did not hear the earlier conversation and is not qualified to vote on this.

Councilmember Maloney moved to approve Resolution No. 78, Series 2016, Councilmember Loo seconded. Vote 5-1-1 Mayor Pro Tem Lipton No, Councilmember Keany Abstain.

RESOLUTION NO. 13, SERIES 2017 – A RESOLUTION APPROVING AN AMENDED PLANNED UNIT DEVELOPMENT FOR COAL CREEK BUSINESS PARK AND AMENDED PLANNED UNIT DEVELOPMENT FOR CORPORATE CENTER I COAL CREEK BUSINESS PARK FOR A 40,000 SQ. FT. OFFICE EXPANSION – Medtronic Expansion

Director Zuccaro stated this is a request for a 40,000 sf expansion of the existing Medtronic Building in the Coal Creek Business Park. The proposal includes a landscape buffer and public trail access. The adjacent parcel B is in a conservation easement with the City. It would be in two 20,000 sf phases, the second part only being done in the future if needed.

The proposal would amend two PUDs:

- Business Park Allowed Area Would Increase from 280,000 Sq. Ft. to 318,000 Sq. Ft. and Gross Area and 250,000 Sq. Ft. to 284,000 Sq. Ft. Net Leasable Area
- Lot 2 Allowed Area Would Increase from 81,266 Sq. Ft. to 120,629 Sq. Ft.

This proposal would exceed the caps for developed property in the original PUD.

The applicant is requesting four waivers:

- Maximum Lot Coverage Increase from 70% to 74.4%/Minimum Open Space Decrease from 30% to 25.6%
- Minimum Parking Setback from US 36 from 40' to 10'
- Minimum Parking Setback from Internal Lot from 10' to 2-10'
- Minimum Parking Ratio from 4 spaces per 1,000 Sq. Ft. to 2.7 Spaces per 1,000 Sq. Ft.

There would be reconfigured parking for the site but this does not meet the setback requirement from the rights-of-way. There is a landscape buffer between the parking lot set back and the conservation easement.

There are not the required parking spaces, but does have a shared parking agreement with the neighbors and parking for the trailhead for evenings and weekends. The Open Space Advisory Board has reviewed this and recommends approval with the condition of some additional signage for the trailhead.

The applicant justifies the waivers as they feel there is a benefit to the public through the proposed trailhead parking and expansion of trails connecting to Coal Creek and the parking reduction justified by trails connections, proximity to McCaslin Bus Rapid Transit (BRT) and existing and proposed bicycle parking.

The Board of Adjustment granted a variance in November for the floodplain development for this project.

Staff finds the proposal complies with the CDDSG and PUD Criteria in LMC Sec. 17.28.120 and recommends approval with the following condition:

- 1) Easement documents for the new trails
- 2) Update plans to include informational signage at the trailhead.

Todd Twombly of Tritower Financial Group stated they acquired the three buildings in 2015 and would like to be able to expand the buildings to allow Medtronic to expand in this location before their lease runs out.

Joseph Lear, Davis Partnership Architects, stated the lots have a surplus of open area over what is required for the open space dedication. They feel it is reasonable for the one parcel to be deficient when the others make up for it. For parking, the other lots and the parking agreement make a surplus of parking to make up for the shortage on the one tract. He noted the setbacks are not met but they feel what they have proposed is adequate given the layout of the site and with the landscape buffer they are proposing.

Mayor Pro Tem Lipton asked Mr. Twombly if the parking is designed specifically for Medtronic and what happens if that tenant leaves and then it doesn't meet the market needs of a new tenant. Mr. Twombly stated in the future if a new tenant comes in they are comfortable with the number of spaces and they know this building simply may not be a fit for a tenant with a greater parking demand. As the building owner they are comfortable with that risk.

Councilmember Maloney asked Director Zucarro if there is any direct connection from this site to the Bus Rapid Transit station. Director Zucarro stated there is complete trail access but some is hardscape and some crusher fines. Councilmember Maloney would like to see the connection be totally hardscape.

Mayor Muckle asked for public comment. There was none.

Mayor Muckle asked what trail connections are being proposed. Director Zucarro stated there are two new connections proposed.

Councilmember Stolzmann moved to approve Resolution No. 13, Series 2017, Mayor Pro Tem Lipton seconded.

Councilmember Stolzmann stated she feels the public improvements justify the waivers.

Councilmember Keany also stated he supports the project and trusts the property owners will be able to handle the reduced parking in the future. Councilmember

Maloney also stated his support but asked hardscape be installed to the Bus Rapid Transit from the site.

Voice vote - All in favor.

2017 STREET RESURFACING CONTRACTS

RESOLUTION NO. 8, SERIES 2017 – A RESOLUTION APPROVING AN AGREEMENT WITH KOELBEL AND COMPANY FOR THE SHARING OF COSTS OF TRAFFIC CALMING AND LANE REDUCTION ON CENTENNIAL PARKWAY

AWARD BID FOR 2017 ASPHALT RECONSTRUCTION PROJECT

AWARD BID FOR 2017 HOT CHIP SEAL PROJECT

AWARD BID FOR 2017 CONCRETE REPLACEMENT PROJECT

Director Kowar provided two bid packages for the 2017 Street Improvement Program for Council consideration with a mix of reconstruction, hot chip seal, and asphalt work. The only difference in the bid packages is the scope of work for Centennial Parkway.

Package A, developed in coordination with the primary landowner in the area, Koelbel and Company, would reconfigure Centennial Parkway to include intersection bulb-outs, one travel lane in each direction, a bike lane, parking and landscape improvements. Koelbel has committed to fund the added cost of the intersection improvements (approximately \$342,000), landscape improvements (approximately another \$100,000 to \$150,000) and the ongoing landscape maintenance. This offers some pedestrian friendly features for the area. The traffic studies for the road show the reduction to one lane in each direction will still meet the traffic capacity needs of the road at build out.

Package B would maintain the current configuration of Centennial Parkway (with the exception of striping to narrow the two travel lanes and also provide a marked bike lane). All other improvement items remain the same.

Director Kowar noted once Council picks which package, staff will determine the best contracts to use for the project based on the bidding and prices already received.

Jeff Sheets, 5291 East Yale Avenue, Denver, Koelbel and Company, stated his support for the additional parking added with the bump out plan. It gives better pedestrian safety and bike lane access to the Bus Rapid Transit. Additional street parking will help reduce the speed of the cars. It offers additional green spaces in a variety of areas of the Parkway. All of this is offered without affecting the traffic service on Centennial. At build out this is sufficient and with current development in the area it is more than adequate. If building this today, they would choose to build it with a two-lane road for a nicer atmosphere. Any added parking would not be counted for off street parking

requirements for future buildings. He stated his belief that this concept is the right thing to do for this area and to help create a market edge and help get new office tenants for Centennial Valley.

Mayor Muckle asked for public comment. None heard.

Mayor Muckle stated he supports the Package A proposal with Koelbel. It helps with first and final mile connections with the Bus Rapid Transit, helps make the area marketable, and is a nicer road and streetscape. The benefits are worth it.

Councilmember Loo stated she supports Package A with the reduction of the road to one lane in each direction. She has not gotten negative public input on this. She thinks it is a great opportunity to partner with a corporate citizen and it will benefit this area. She does not agree the added parking is helping just the developer; it helps the entire area and offers free parking the same way there is free parking everywhere else in town. She stated these improvements will really help the pedestrian access in this area.

Councilmember Leh stated his support for this for the first and final mile connection and to make the area more walkable. These upgrades make it a more pleasant place to be. He trusts Mr. Sheets when he says these upgrades help make this area more marketable for new office space and Koelbel is willing to pay a large share. It is a win-win situation.

Mayor Pro Tem Lipton stated he doesn't support Package A because he feels adding the on street parking is only a benefit to the developer; he feels it is taxpayer subsidized parking. He doesn't think it is fair to residents to do this. The entire Centennial Valley area needs to be re-thought and re-planned for the future to address not just parking, but also density and bulk in the area. This street and parking need to be considered in a larger picture. This is a paving project that is driving a planning process and it should be the other way around.

Councilmember Loo asked how many on street parking spaces are being created with Package A. Director Kowar stated he estimates 265.

Councilmember Maloney stated he agrees with Mayor Pro Tem Lipton that the planning process should be looking at changes to the area first before this. That said, both Package A and B provide benefit to the City. He supports Package B more than A. The paving contract shouldn't guide the planning process.

Councilmember Stolzmann stated everyone agrees the street needs to be repaved. She noted in most areas in town allow for on-street parking and in no instances do we count street parking towards off street parking requirements for new development so this is not subsidizing the parking for development. She supports Package A; the benefits outweigh the costs. She particularly likes the first and final mile connections.

Councilmember Keany supports Package A as it would improve the area and it will make the area more successful.

Mayor Muckle moved to approve Resolution No. 8, Series 2017 with Package A. Councilmember Keany seconded.

Roll Call Vote: Motion passed (**summary:** Yes = 5, No = 2, Abstain = 0).

Yes: Council Member Loo, Mayor Muckle, Council Member Leh, Council Member Keany, Council Member Stolzmann.

No: Mayor Pro Tem Lipton, Council Member Maloney.

Attorney Light asked Council to consider if this includes the 10% contingency requested by staff. Mayor Muckle moved to allow staff to execute change orders up to 10 percent and Councilmember Keany seconded.

Roll Call Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Council Member Leh, Council Member Maloney, Council Member Loo, Council Member Stolzmann, Council Member Keany, Mayor Muckle, Mayor Pro Tem Lipton.

Award Bid for 2017 Asphalt Reconstruction Project

Attorney Light noted the request.

Mayor Muckle moved Council award the 2017 Street Reconstruction Project to Asphalt Specialties per their total bid of \$341,766.50, authorize staff to execute change orders up to \$34,176.65 as a 10% project contingency, and authorize the Mayor, City Manager, Public Works Director and City Clerk to sign and execute contract documents on behalf of the City. Councilmember Keany seconded.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Mayor Muckle, Council Member Stolzmann, Council Member Loo, Mayor Pro Tem Lipton, Council Member Keany, Council Member Maloney, Council Member Leh.

Award Bid for 2017 Hot Chip Seal Project

Attorney Light noted the request.

Mayor Muckle moved Council award the 2017 Hot Chip Seal Project to APC Construction Co., LLC per their total bid of \$1,490,288.95, authorize staff to execute change orders up to \$149,028.90 as a 10% project contingency, and authorize the Mayor, City Manager, Public Works Director and City Clerk to sign and execute contract documents on behalf of the City. Councilmember Keany seconded.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Council Member Keany, Council Member Leh, Mayor Pro Tem Lipton, Mayor Muckle, Council Member Loo, Council Member Stolzmann, Council Member Maloney.

Award Bid for 2017 Concrete Replacement Project

City Attorney Light noted the request.

Mayor Muckle moved City Council award the 2017 Concrete Replacement Project to Noraa Concrete Co. per their total bid of \$1,107,261.00, authorize staff to execute change orders up to \$110,726.10 as a 10% project contingency, and authorize the Mayor, City Manager Public Works Director and City Clerk to sign and execute contract documents on behalf of the City. Councilmember Keany seconded.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Mayor Pro Tem Lipton, Council Member Leh, Council Member Stolzmann, Council Member Keany, Council Member Loo, Mayor Muckle, Council Member Maloney.

QUIET ZONE PROJECT

RESOLUTION NO. 9, SERIES 2017 – A RESOLUTION APPROVING A GRANT AGREEMENT BETWEEN THE COLORADO DEPARTMENT OF TRANSPORTATION AND THE CITY OF LOUISVILLE CONCERNING A GRANT FOR THE RAILROAD QUIET ZONE PROJECT

RESOLUTION NO. 10, SERIES 2017 – A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF LAFAYETTE FOR THE SHARING OF COSTS OF QUIET ZONE PROJECT DESIGN SERVICES

RESOLUTION NO. 11, SERIES 2017 – A RESOLUTION APPROVING A CONTRACT BETWEEN THE CITY OF LOUISVILLE AND FELSBURG HOLT & ULLEVIG (FHU) FOR DESIGN AND CONSTRUCTION MANAGEMENT SERVICES FOR THE RAILROAD QUIET ZONE PROJECT

Mayor Muckle introduced the items by title.

Director Kowar stated after a RFP process staff selected Felsburg Holt & Ullevig (FHU) for the consultant for the quiet zone project. The City and FHU have negotiated fees for the agreed upon scope of work. Colorado Department of Transportation (CDOT) has reviewed the selection process and consultant's fee and found both acceptable.

The City of Louisville/City of Lafayette Railroad Quiet Zone project will establish a quiet zone from Baseline Road in Lafayette to Dillon Road in Louisville. To establish the quiet

zone, improvements are required at five highway rail grade crossings including Baseline Road in the City of Lafayette, South Boulder Road, Griffith Street, Pine Street and Dillon Road in Louisville. A grant from Denver Regional Council of Governments (DRCOG) will fund the design and construction of all of the improvements except for Dillon Road which will be funded by the City of Louisville.

A Grant Agreement with the Colorado Department of Transportation (CDOT) is required as is an intergovernmental agreement (IGA) with the City of Lafayette. The Lafayette IGA assigns 25% of local agency matching fund costs to Lafayette and 75% to Louisville.

A request for proposals for the design and construction management services was advertised on November 21, 2016. The scope of work includes design, environmental permitting through CDOT, permitting through the Public Utilities Commission and the BNSF, and construction management services.

Director Kowar stated the goal is to start construction in 2018, but it is dependent on the railroad and other moving pieces.

Staff recommends approval of Resolution 9, Resolution No. 10, and Resolution No. 11.

Mayor Muckle stated he felt this is a good working relationship with Lafayette.

Attorney Light noted this is just allocation with Lafayette for design and does not cover construction costs; those allocations which will be addressed later.

Mayor Muckle moved to approve Resolution No. 9, Series 2017, Councilmember Stolzmann seconded.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Council Member Maloney, Mayor Pro Tem Lipton, Council Member Stolzmann, Council Member Keany, Council Member Loo, Mayor Muckle, Council Member Leh.

Councilmember Keany moved to approve Resolution No. 10, Series 2017, seconded by Councilmember Stolzmann.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Council Member Leh, Mayor Pro Tem Lipton, Council Member Stolzmann, Mayor Muckle, Council Member Maloney, Council Member Loo, Council Member Keany.

Councilmember Stolzmann moved to approve Resolution No. 11, Series 2017 Councilmember Maloney seconded.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Council Member Maloney, Mayor Pro Tem Lipton, Council Member Loo, Council Member Keany, Mayor Muckle, Council Member Stolzmann, Council Member Leh.

THE COLLECTIVE – MODERN WORKSPACES AT THE CTC – AMENDMENT TO THE CTC GENERAL DEVELOPMENT PLAN, FINAL PUD, AND FINAL PLAT

ORDINANCE NO. 1733, SERIES 2017 – AN ORDINANCE APPROVING AN AMENDMENT TO THE CTC GENERAL DEVELOPMENT PLAN (GDP) TO ALLOW FOR LIMITED COMMERCIAL USES ON LOTS 11 AND 12, BLOCK 1 CTC FILING NO. 1– 1st READING – SET PUBLIC HEARING 3/7/17

RESOLUTION NO. 12, SERIES 2017 – A RESOLUTION APPROVING A FINAL PLANNED UNIT DEVELOPMENT (PUD) AND A FINAL PLAT TO ALLOW FOR THREE FLEX-SPACE BUILDINGS TOTALING 85,520 SQUARE FEET ON THREE LOTS AND TWO TRACTS; LOTS 11 AND 12, BLOCK 1, CTC FILING NO. 1 – continue to 3/7/17

City Attorney Light introduced Ordinance No. 1733, Series 2017 stating this is the first reading.

Mayor Muckle moved to approve Ordinance No. 1733, Series 2017 on first reading, send it out for publishing and set the public hearing for March 7, 2017. Councilmember Loo seconded. All in favor.

Council Members continued Resolution No. 12 to the March 7, 2017 meeting.

CITY ATTORNEY’S REPORT

None.

COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS

Councilmember Maloney asked for a time for potential ballot items before the items are presented in June. He would like to see them in April or May for discussion.

Mayor Muckle asked for the Hecla Casino item mentioned earlier tonight be added to the advanced agenda.

DISCUSSION/DIRECTION/ACTION – DENVER REGIONAL COUNCIL OF GOVERNMENTS UPDATE

Councilmember Stolzmann gave the Council an update on the current activities of DRCOG and asked for direction on DRCOG’s proposed legislative agenda. She noted DRCOG is monitoring a number of proposed bills. She asked Council if they have a

position to take on the proposed construction defect bills or any other of the proposed legislation.

Councilmember Maloney asked about SB 17-098 on mobile home parks. He noted the mobile home park does serve a need in the Community. Councilmember Stolzmann noted it is not expected to pass but is still being monitored.

Mayor Pro Tem Lipton stated the city should work closely with DRCOG on infrastructure and transportation, but should not get involved in bills outside of transportation, regional planning and infrastructure. Perhaps we should abstain on the other bills.

Councilmember Keany asked about the bill regarding public access to government files noting his concern this creates a mandate for local government and may create a burden on local governments as an unfunded mandate. Attorney Light noted the proposed bill asks for governments to provide information in its original, searchable format. The difficulty is that it creates an additional burden on the custodian to find if there is a searchable format which could take a considerable amount of time. There is the possibility of claims for attorney's fees when the aim is just to get the public records request produced. His firm would like to see this done without attaching to the unilateral fee shifting provision.

Mayor Muckle encouraged Councilmember Stolzmann to continue to abstain on construction defect bills. He suggested opposition to any transportation bills that do not generate revenue or offset costs. Councilmember Loo agreed.

Councilmember Stolzmann gave an update on possible changes to the upcoming 2020-2023 Transportation Improvement Program grant cycle.

OTHER REPORTS

Councilmember Leh reported the Legal Review Committee continues work on a non-profit policy for entities working with the City. Currently he is in the process of discussing the draft with the various non-profit groups. Today he met with the Seniors of Louisville. After meeting with the groups the Legal Review Committee will make changes to the draft and bring something to Council for consideration.

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(Louisville Charter, Section 5-2(d) – Authorized Topics – Consultation with an attorney representing the City with respect to pending litigation, and C.R.S. 24-6-402(4)(b))

Attorney Light noted staff is requesting to go back into executive session.

City Clerk Muth read Section 2.90.050 – Public statement of the Louisville Municipal Code, which outlines the topics permitted for discussion in an executive session. City Attorney Light stated the authority to conduct this executive session: Louisville Code of Ethics, Section 5-2(c), CRS 24-6-402(4)(a) and Louisville Charter, Section 5-2(d), C.R.S. 24-6-402(4)(b) – Authorized topics.

The City Manager is requesting the City Council re-convene an Executive Session for the purpose of consideration of potential property acquisition and disposition in Louisville area and for the purpose of consultation with an attorney representing the City with respect to pending litigation.

MOTION: Mayor Muckle moved the City Council adjourn to executive session for the purpose consideration of real property acquisitions and dispositions, with regard to properties in the Louisville Area, but only as to appraisals and other value estimates and strategy; and the executive session include the City Council, City Manager Fleming, Planning Director Zuccaro, Economic Development Director DeJong , Finance Director Watson, and the City Attorney, seconded by Councilmember Loo.

MOTION: Mayor Muckle moved the City Council adjourn to executive session for consultation with an attorney representing the City with respect to pending litigation as authorized by the laws noted by the City Attorney and the executive session include the City Council, City Manager Fleming, Planning Director Zuccaro, Economic Development Director DeJong, Finance Director Watson, and the City Attorney, seconded by Councilmember Leh.

The motions carried by a vote of 7-0.

The City Council adjourned to executive session at 9:37 p.m.
The City Council meeting reconvened at 10:25 p.m.

CITY ATTORNEY REPORT ON THE EXECUTIVE SESSION

City Attorney Light reported on the continued executive session, the City Council discussed potential property acquisitions and dispositions and pending litigation. Members discussed strategy and gave staff direction on potential property acquisitions and dispositions of property in the Louisville area. Staff is not requesting any specific action in follow up to this executive session.

ADJOURN

Members adjourned the meeting at 10:27 p.m.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk